



Bulletin 18-02 January 18, 2018

CIAA Bulletin

**An Exclusive CIAA Member
Update**

What to Expect If There Is a Federal Government Shutdown

Given the multiple news reports regarding the potential for a government shutdown in the event another funding bill is not approved by midnight, Friday, January 19, we want to provide you with some information that may be helpful. We expect the situation to become clearer by this Friday afternoon, but there already have been some announcements that the Congress may remain in session through the weekend if necessary.

As has happened in the past, expect USDA and other government websites to go offline. In the meantime, we have included the links to the shutdown plans for both the Agricultural Marketing Service and the Foreign Agricultural Service below. These documents, prepared last summer and understandably subject to revision should help provide some initial guidance.

[Agricultural Marketing Service](#)

[Foreign Agricultural Service](#)

With respect to Customs and Border Protection, information can be found at <http://www.dhs.gov/publication/federal-funding-hiatus-contingency-plan>. This Department of Homeland Security document says, beginning on page 4, one of the exemptions for continued funding includes activities that are "Necessary for Safety of Human Life or Protection of Property":

To qualify under the exception of protection of human life or property, there must be some reasonable likelihood that the safety of human life or protection of property would be compromised in some significant degree by the delay in the performance of the function in question. Specifically, the risk should be real, not hypothetical or speculative, and must be sufficiently imminent that delay is not permissible.

EXAMPLES:

- * Maintaining criminal law enforcement operations, including drug and illegal alien interdiction.
- * Continuing passenger processing and cargo inspection functions at ports of entry.

A detailed discussion of CBP begins on page 35 of the pdf (numbered page 34).

With respect to the Food and Drug Administration, there is a FY 2016 document available at <https://www.hhs.gov/about/budget/fy-2016-hhs-contingency-staffing-plan/index.html>. Two excerpts related to FDA follow:

Consistent with legal advice that activities authorized by law, including those that do not rely on annual appropriations, and activities that involve the safety of human life and protection of property are to be continued, some of the HHS activities that would continue include:

* Food and Drug Administration (FDA) - FDA would continue limited activities related to its user fee funded programs including the activities in the Center for Tobacco Products. FDA would also continue select vital activities including maintaining critical consumer protection to handle emergencies, high-risk recalls, civil and criminal investigations, import entry review, and other critical public health issues.

Activities that would not continue include:

* FDA - FDA will be unable to support the majority of its food safety, nutrition, and cosmetics activities. FDA will also have to cease safety activities such as routine establishment inspections, some compliance and enforcement activities, monitoring of imports, notification programs (e.g., food contact substances, infant formula), and the majority of the laboratory research necessary to inform public health decision-making.

We will continue to keep you informed of any significant developments. If you have any questions in the meantime, please feel free to contact Roger Szemraj, CIAA's Director of Government Relations and Legislative Affairs at rszemraj@theciaa.org.

DATES TO REMEMBER

January 21, 2018

CIAA Fancy Food Show Reception

5:00 pm- 7:30 pm

Thirsty Bear Brewery

San Francisco, CA

March 1, 2018 (approximately)

FAS issues final notice of calendar year 2018 licenses to licensees

March 15, 2018

The license fee for each license issued is due and payable in full no later than March 15 of the year for which the license is issued. Licenses issued after March 15 of any quota year are payable in full no later than 10 days from the date of issuance. Fee payments are payable to the Treasurer of the

United States and shall be made solely utilizing the electronic software designated for the purpose by the Licensing Authority

May 4, 2018

Member Meeting
9:00 am - 11:00 am
Saddle Brook Marriott
Saddle Brook, NJ

May 4, 2018

Dinner Gala
Liberty House Restaurant
6:30 pm - 10:30 pm
Jersey City, NJ

July 2, 2018

Last day for an exporting country that is not designating importers for calendar year 2018 to notify FAS

August 31, 2018

Last day to enter dairy products into U.S. Customs territory that may be used to qualify and establish eligibility for a calendar year 2019 license.

* If a deadline date falls on a Saturday, Sunday, or Federal holiday, the deadline will be the next business day (Section 6.36(a) of the Dairy Tariff-Rate Import Quota Licensing Regulation). This does not apply to dates of entry for eligibility.

Cheese Importers Association of America

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